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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

DONALD HEIMSTAEDT and TODD KORTH,

Plainliffs,

-dwairst-

Civil Action No.: 07CV9389 (JSR)

PARTIAL. STIPULATION OF DISCONTINUANCE WITH PREJUDICE

PEEMAIR NEW YORK, LLC, PREMAIR GROUP OP NEW YORK, LLC, PREMAR GROUP, PLC. MCQUAY NEW YORK, LLC, GEORGE KOTTSSOS, BEIC BERKOWITZ, MCQUAY NEW YORK PROFIT SHARING PLAN, and XXX TRUSTEES OF THE MCQUAY NEW YORK, LLC 401(E) PROFIT SHARING PLAN.

Defendants.

It is hereby stipulated to by the undersigned attorneys for all of the parties hereto that the fourth cause of action for breach of contract if hereby discontinued with prejudice against only defendants George Koutses i/n/a George Koutses and Eric Berkowitz. This stipulation may be excented by counterpart faceimile.

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Dated: February 19, 2003

Cole, Schotz, Meisel, Porman & Leonard, P.A.

Randi W. Kochinan, Log. (RWK2524)

Attorney for Plaintiffs

Danald Hehnstackt and Todd Korts

Court Plana North 25 Main Streat

P.O. Hos. 800

Hackenback, New Jersey 07602

Arthur J. Semetis, P.C.

Arthur J. Scinetis, Esq. (AJS-8477 Attorneys for Prem. Air Group of New York LLC f/k/a McQuay New York LLC, Premair Group, LLC, George Koutsos I/n/a George Kouissos, Eric Berkowitz, Prem. Air NY 401(k) Profit Sharing Plan f/k/a McQnay New York LLC 401(k) Profit Sharing Plan I/n/a McQuay New York Profit Sharing Plan, and XYZ Trustees of the Prem, Air NY 401(k) Profit Sharing Plan f/k/a McQuay New York, LLC 401(k)Profit Sharing Plan 286 Madison Avenue, 14th Floor New York, New York 10017 (212) 557-5055

appropriate that the transfer where the transfer of the property and the second project